



April 24, 2014

BY MAIL —

Department of the Army
Office of the General Counsel
104 Army Pentagon, Room 2E724
Washington, D.C. 20310
CC: Jose L. Burgos, jose.l.burgosperez.civ@mail.mil

RE: Freedom of Information Act Request FA-14-0166

To Whom It May Concern:

This is an appeal under the Freedom of Information Act.

On November 14, 2013, the Electronic Frontier Foundation (EFF) requested documents regarding the U.S. Army's SGT STAR program under the Freedom of Information Act (FOIA). The request was assigned the following identification number: FA-14-0166. FOIA Program Manager Jose L. Burgos in the Office of the Administrative Assistant to the Secretary of the Army responded to the request on March 14 providing two responsive documents and a closure letter. A copy of the FOIA request and the agency determination are attached for your convenience. EFF appeals the closure of the FOIA request and the inherent denials of the request contained within the closure letter. We further request the Army re-open the FOIA case and conduct a new, thorough search for responsive documents.

SGT STAR is a chatbot program built on ActiveAgent proprietary technology from the NextIT Corporation. The program serves to answer questions from potential recruits and other members of the public on goarmy.com, Facebook and through a mobile Android App. Originally launched by the U.S. Army Recruitment Command (USAREC), the program is currently managed by the Army Marketing and Research Group.

INQUIRY 1: Input Patterns/Output Scripts

In **Inquiry 1**, we requested the current input patterns and scripted output answers for SGT STAR as of the date this request was received or processed by the government. In addition, we asked for previous input patterns and scripted output answers that were in effect on July 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012 and January 1, 2013.

Response 1 contained file "ATTACHMENT_1_SGT_STAR_ANSWERS_Current.XLSX," which the Army described as "the current running content that appears on the site," which "represents a

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‘living body’ of content that reflects the additions and updates to answers that have evolved since the introduction of the Sgt. Star feature.”

The Army did not address whether output files for previous years have been withheld or simply do not exist. In software development, it is standard practice to maintain previous versions and back-ups of code, so it is likely these records do in fact exist. Further, in a publicly available podcast (On the Media’s TLDR¹), the Army disclosed that the output script is reviewed on a regular basis and updated monthly, indicating that at some point these records did exist for the time frame requested.

We request that the Army re-conduct the search of records for previous versions of the SGT STAR output script. The term “living body” is also somewhat problematic, considering the nature of the technology, and we request further information about what this designation means.

The Army also declined to produce the SGT STAR input patterns, stating that these patterns are “proprietary to the software interface.”

To be clear, we are not seeking the language recognition algorithm contained in the off-the-shelf software product. Rather, our request seeks only the input patterns created specifically for the Army. While the Army has not yet produced the contract governing the underlying software, a procurement document for the SGT STAR program (attached) states the ActiveAgent Product suite’s “Functional Presence Mark-Up Language” and the structure of the language model are proprietary, but the “language content” of the model is not. Therefore, we believe that some record of the types of input the Army has requested Sgt. Star respond to must exist which is not exempt from the Freedom of Information Act.

We request these records. In the event that the Army determines that such records would reveal too much about the structure of the proprietary software, we are willing to accept in its place any documents that contain suggested inputs that the Army provided to Next IT for implementation.

INQUIRY 4: Reports

In **Inquiry 4**, we requested all annual and quarterly reports and audits of Sgt. Star, including recruitment reports with sections summarizing Sgt. Star’s efficacy, from the years 2007-2013.

In response, the Army provided us with a spreadsheet containing basic usage data from mid-2008 to present. The Army does not address whether additional records have been withheld or do not exist. In the On the Media TLDR podcast, the Army acknowledged that the program is analyzed every day and adjusted during monthly meetings. The Army also described “endless” focus group testing of the program.

¹ <http://www.onthemedial.org/story/tldr-update-now-you-can-see-every-possible-answer-sgt-star-can-give/>

Based on this information, we believe that responsive records do in fact exist and we request the Army conduct another search for documents.

INQUIRY 5: Analytical data

In **Inquiry 5**, we requested all analytical data already collected concerning SGT STAR’s use and efficacy, including, but not limited to, number of conversations, duration of conversations, location of users, number of referrals, number of conversations that resulted in direct communication with a recruiter and/or recruitment and estimated manpower saved.

Response 5 included the statement that “duration of conversations ... is not available”

According to the NextIT website², the average conversation with SGT STAR is 10.4 minutes. Therefore, data on the duration of conversations seems to exist, although it is not clear how this duration is measured. This information was reiterated by the AMRG director of marketing in an interview with Contact Center Pipeline magazine.³ We therefore request the Army conduct a new search for records.

The Army does not address whether records for the number of referrals and the number of conversations that resulted in direct communication with a recruiter and/or recruitment have been withheld or reports do not exist to begin with. According to the NextIT website, 3 percent of questions asked to SGT STAR resulted in a live chat session. Again, we request the Army re-conduct the search of records, which according to other public resources seems to exist.

Thank you for your consideration of this appeal. If you have any questions or concerns, do not hesitate to contact me at 1-415-436-9333 x151 or dm@eff.org.

Sincerely,

Dave Maass
Media Relations Coordinator and
Investigative Researcher

² <http://www.nextit.com/clients/us-army>

³ <http://www.nextit.com/media/downloads/external/Contact-Center-Pipeline-June-2013-Coverage.pdf>